

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DAVID T. SILVA,  
GERROD T. SMITH, and  
JONATHAN K. SMITH,  
Members of the Shinnecock Indian Nation,

Plaintiffs,

CV 18-3648  
(SJF)(SIL)

-against-

BRIAN FARRISH,  
JAMIE GREENWOOD,  
EVAN LACZI,  
BASIL SEGGOS,  
NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION,  
and SUFFOLK COUNTY DISTRICT ATTORNEY'S  
OFFICE,

Defendants.  
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**DECLARATION IN SUPPORT OF STATE DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT**

RICHARD HUNTER YORKE, an attorney admitted to practice in the State of New York and in the United States District Court for the Eastern District of New York, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that:

1. I am an Assistant Attorney General in the office of Letitia James, Attorney General of the State of New York, and represent Defendants New York State Department of Environmental Conservation, Basil Seggos, Brian Farrish, and Evan Laczi ("State Defendants") in the above-captioned matter. I am fully familiar with the facts and circumstances set forth herein, based on my review of the files maintained by my office and by the New York State Department of Environmental Conservation, and review of the Docket Entries herein. I submit

this Declaration in Support of State Defendants' Motion for Summary Judgement pursuant to Fed. Rule of Civ. Pro. 56.

2. Attached hereto as Exhibit A is a true and accurate copy of the Notice of Motion and Memorandum of Law with Exhibits of Scott Michael Moore, dated October 10, 2017, from People v. Silva. I request that the Court take judicial notice of these documents, as they are publicly available legal filings, and I received them in the regular course of business from the Judicial Clerk of Southampton.

3. Attached hereto as Exhibit B is a true and accurate copy of the Affirmation in Opposition to Defendant's Motion with Exhibits of Jamie H. Greenwood, dated December 11, 2017, from People v. Silva, Docket No. 17-060545. I request that the Court take judicial notice of these documents, as they are publicly available legal filings, and I received them in the regular course of business from the Suffolk County Attorney's Office.

4. Attached hereto as Exhibit C is a true and accurate copy of Defendant's Reply Memorandum of Law in Support of Motion to Dismiss of Scott Michael Moore, dated December 18, 2017, from People v. Silva. I request that the Court take judicial notice of these documents, as they are publicly available legal filings, and I received them in the regular course of business from the Judicial Clerk of Southampton.

5. Attached hereto as Exhibit D is a true and accurate copy of the Memorandum Decision of Hon. Gary J. Weber, dated June 5, 2019, in People v. Silva, Docket No. S17-060545. I request that the Court take judicial notice of these documents, as they are publicly available legal filings, and I received them in the regular course of business from the Suffolk County Attorney's Office.

6. Attached hereto as Exhibit E is a true and accurate copy of excerpts from Records of the Town of East Hampton, Volume I, pp. 2-4, containing the April 29, 1648 deed for East Hampton. I request that the Court take judicial notice of these documents, as they are publicly available legal documents, and I received them in the regular course of business with the assistance of the New York State Office of the Attorney General's Albany Law Library.

7. Attached hereto as Exhibit F is a true and accurate copy of excerpts from the First Book of the Records of the Town of Southampton, pp. 12-14, containing the December 13, 1640 deed for Southampton. I request that the Court take judicial notice of these documents, as they are publicly available legal documents, and I received them in the regular course of business with the assistance of the New York State Office of the Attorney General's Albany Law Library.

8. Attached hereto as Exhibit G is a true and accurate copy of excerpts from Records of the Town of Southampton, Volume I, pp. 170-171, and Records of the Town of Brookhaven, pp. 3-4, containing the June 10, 1658 deed of Beach between Wyandanch and Lion Gardiner. I request that the Court take judicial notice of these documents, as they are publicly available legal documents, and I received them in the regular course of business with the assistance of the New York State Office of the Attorney General's Albany Law Library.

9. Attached hereto as Exhibit H is a true and accurate copy of excerpts from the Second Book of Records of the Town of Southampton, pp. 162, 354-5, containing the May 12, 1659 deed of Beach between Wyandanch and John Ogden. I request that the Court take judicial notice of these documents, as they are publicly available legal documents, and I received them in the regular course of business with the assistance of the New York State Office of the Attorney General's Albany Law Library.

10. Attached hereto as Exhibit I is a true and accurate copy of excerpts from the Department of State Book of Deeds, Unpublished documents, Office of the Secretary of State, Albany, New York, 2: 85-86. (New York State Archives. Series 453, vols. 1-9), containing the June 8, 1659 deed between Wyandanch and Lion Gardiner. I request that the Court take judicial notice of these documents, as they are publicly available legal documents, and I received them in the regular course of business with the assistance of the New York State Office of the Attorney General's Albany Law Library. (State Defendants have attached their transcription of the document for the Court's assistance).

11. Attached hereto as Exhibit J is a true and accurate copy of excerpts from the Second Book of Records of the Town of Southampton, 34-35, containing the July 28, 1659 deed between Wyandanch and Lion Gardiner. I request that the Court take judicial notice of these documents, as they are publicly available legal documents, and I received them in the regular course of business with the assistance of the New York State Office of the Attorney General's Albany Law Library.

12. Attached hereto as Exhibit K is a true and accurate copy of excerpts from the First Book of Records of the Town of Southampton, 167-168, containing the April 10, 1662 deed for the "Topping Purchase." I request that the Court take judicial notice of these documents, as they are publicly available legal documents, and I received them in the regular course of business with the assistance of the New York State Office of the Attorney General's Albany Law Library.

13. Attached hereto as Exhibit L is a true and accurate copy of excerpts from the First Book of Records of the Town of Southampton, 169, 172-4, containing the September 17, 1666 Indian Deed to Town for Topping's Purchase and Governor Richard Nicolls's October 3, 1666 Determination. I request that the Court take judicial notice of these documents, as they are

publicly available legal documents, and I received them in the regular course of business with the assistance of the New York State Office of the Attorney General's Albany Law Library.

14. Attached hereto as Exhibit M is a true and accurate copy of excerpts from Documents Relating to the Colonial History of the State of New York, Vol. XIV, 686, 664, 665, 678 containing the January 22, 1674-5 Resolution, Order from May 2, 1672, an Order from May 10, 1672, and an Order from April 19, 1673. I request that the Court take judicial notice of these documents, as they are publicly available legal documents, and I received them in the regular course of business with the assistance of the New York State Office of the Attorney General's Albany Law Library.

15. Attached hereto as Exhibit N is a true and accurate copy of excerpts from Documents Relating to the Colonial History of the State of New York, Vol. XIV, 720, and The Andros Papers, 373-4, containing the Minutes and Order from a meeting of Unkechaug before the Governor from May 23-24, 1676. I request that the Court take judicial notice of these documents, as they are publicly available legal documents, and I received them in the regular course of business with the assistance of the New York State Office of the Attorney General's Albany Law Library.

16. Attached hereto as Exhibit O is a true and accurate copy of excerpts from History of the Town of Southampton, East of Canoe Place, 279-87, containing Governor Edmund Andros's Patent, dated November 1, 1676, and Governor Thomas Dongan's Patent, dated December 6, 1686. I request that the Court take judicial notice of these documents, as they are publicly available legal documents, and I received them in the regular course of business with the assistance of the New York State Office of the Attorney General's Albany Law Library.

Dated: Mineola, New York  
October 4, 2019

By: s/ Richard Yorke

Richard Hunter Yorke  
Assistant Attorney General